



**Service of Process
Transmittal**

08/06/2012

CT Log Number 520991240

TO: Melissa M Bachelder
Fresenius Medical Care
920 WINTER ST, STE A
Waltham, MA 02451-1519

RE: Process Served in Louisiana

FOR: Bio-Medical Applications of Louisiana, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Janet A. Moss and Alisha Mouton, Petitioners vs. Bio-Medical Applications of Louisiana, LLC, etc., Dft.

DOCUMENT(S) SERVED: Citation, Petition, Request

COURT/AGENCY: 15th Judicial District Court, Parish of Lafayette, LA
Case # C20124166J

NATURE OF ACTION: Medical Injury - Improper Care and Treatment - Wrongful Death - July 14, 2010 in Amelia Manor Nursing Home

ON WHOM PROCESS WAS SERVED: C T Corporation System, Baton Rouge, LA

DATE AND HOUR OF SERVICE: By Process Server on 08/06/2012 at 08:35

JURISDICTION SERVED : Louisiana

APPEARANCE OR ANSWER DUE: Within 15 days after service

ATTORNEY(S) / SENDER(S): Kenneth D. St. Pe
Guilliot & St. Pe, LLC
428 Jefferson Street
Lafayette, LA 70501
337-232-8177

ACTION ITEMS: CT has retained the current log, Retain Date: 08/06/2012, Expected Purge Date: 08/11/2012
Image SOP
Email Notification, Melissa M Bachelder melissa.bachelder@fmc-na.com

SIGNED: C T Corporation System
PER: Trevor Garoutte
ADDRESS: 5615 Corporate Blvd
Suite 400B
Baton Rouge, LA 70808
TELEPHONE: 225-922-4490

Page 1 of 1 / AG

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



D26623421

cc_induhon

Ordered by Atty.: KENNETH D. ST. PE

CITATION

JANET A MOSS, ET AL

Fifteenth Judicial District Court

VS

Docket Number: C-20124166 J

BIO MEDICAL APPLICATIONS OF
LOUISIANA LLC, ET AL

Parish of Lafayette, Louisiana

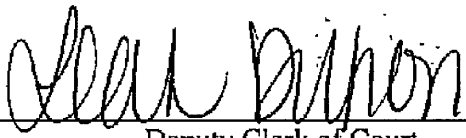
STATE OF LOUISIANA

**TO: BIO-MEDICAL APPLICATIONS OF LOUISIANA LLC
D/B/A FRESENIUS MEDICAL CARE DIALYSIS SERVICES WEST LAFAYETTE
THROUGH THEIR AGENT FOR SERVICE OF PROCESS
CT CORPORATION SYSTEM
5615 CORPORATE BLVD., SUITE 400B
BATON ROUGE, LA 70808**

of the Parish of E. BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the Fifteenth Judicial District Court, in the Lafayette Parish Courthouse, Lafayette, Louisiana, within fifteen (15) days after the service hereof. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this July 30, 2012.



Deputy Clerk of Court
Lafayette Parish

***Attached are the following documents:**

SHERIFF'S RETURN

Lafayette Parish Sheriff

Date Served: _____, 20____ Time: _____

Served: _____

Personal () _____

Domiciliary () on _____

Unable to Locate Moved () No Such Address ()

Other Reason: _____

Received Too Late For Service ()

Service Of Within Papers

Costs Fee \$ _____ Mileage \$ _____ Total \$ _____

Deputy _____

JANET A. MOSS and
ALISHA MOUTON

15TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFAYETTE, LOUISIANA

BIO-MEDICAL APPLICATIONS OF
LOUISIANA, LLC d/b/a FRESENIUS
MEDICAL CARE DIALYSIS SERVICES
WEST LAFAYETTE

DOCKET NUMBER: 2012 - 4166 J

PETITION FOR DAMAGES

Petitioners, JANET A. MOSS and ALISHA MOUTON, all of lawful age and domiciled in the State of Louisiana, herein represented by undersigned counsel, respectfully represent that:

1.

Made defendant herein is:

- a) BIO-MEDICAL APPLICATIONS OF LOUISIANA, LLC d/b/a FRESENIUS MEDICAL CARE DIALYSIS SERVICES WEST LAFAYETTE, authorized to do and doing business in the Parish of Lafayette, State of Louisiana;

2.

Defendant is truly indebted to the petitioners in an amount commensurate with the damages sustained by petitioners for the following, to-wit:

3.

Petitioners' mother, Mary Mouton was a resident at Amelia Manor Nursing Home.

4.

Mary Mouton was a patient of BIO-MEDICAL APPLICATIONS OF LOUISIANA, LLC d/b/a FRESENIUS MEDICAL CARE DIALYSIS SERVICES WEST LAFAYETTE (hereinafter referred to as FMC) and receiving regular treatment at their facility.

5.

On or about July 14, 2010, while treating at FMC, Mary Mouton showed signs and symptoms of infection but the employees, staff and others for whom FMC is responsible failed to report same to her physician or any doctor and failed to take other appropriate measures which failure led to a severely infected dialysis port and caused her untimely death, in whole or in part, on July 24, 2010.

6.

Mary Mouton passed away on July 24, 2010. The cause of death according to the death certificate was "MRSA Sepsis".

7.

The injuries and death of Mary Mouton were a direct and proximate result of the failure of BIO-MEDICAL APPLICATIONS OF LOUISIANA, LLC d/b/a FRESenius MEDICAL CARE DIALYSIS SERVICES WEST LAFAYETTE, its servants and employees to follow the basic and elementary principles of care for Mary Mouton.

8.

Defendant either lacked the degree of knowledge or skill required or failed to exercise the degree of care ordinarily exercised by health care providers licensed to practice in the State of Louisiana under similar circumstances and failed to exercise the appropriate standard of care for their particular specialty and also failed to use reasonable care and diligence along with the best judgment in the application of that skill and further, as a proximate result of this lack of knowledge or skill and the failure to exercise the degree of care, Mary Mouton suffered injuries that would not otherwise have been incurred.

9.

Upon information and belief, the aforementioned injuries and death were caused wholly, solely and/or concurrently through the negligence and/or fault of defendant in the following non-exclusive particulars, to-wit:

- a) Failing to render proper care to Mary Mouton;
- b) Failing to recognize signs and symptoms of infection;
- c) Failing to take proper precautions to avoid infection;
- d) Failing to prevent the infection of Mary Mouton's dialysis port from becoming worse;
- e) Failing to notify a physician of the infection.

10.

Petitioners, JANET A. MOSS and ALISHA MOUTON are the natural children of Mary Mouton.

11.

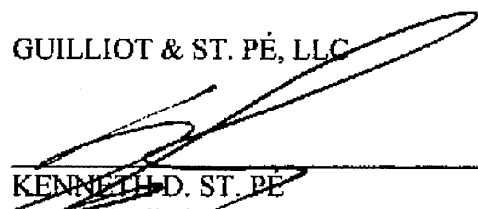
As a direct and proximate result of the negligence of defendant, petitioners are entitled to and pray for damages pursuant to Louisiana Civil Code Article 2315.1 (commonly known as the survival action).

defendant for such damages as are reasonable in the premises, with legal interest from the date of judicial demand until paid, and for all costs of these proceedings as allowed by law.

AND FOR ALL GENERAL AND EQUITABLE RELIEF.

RESPECTFULLY SUBMITTED,

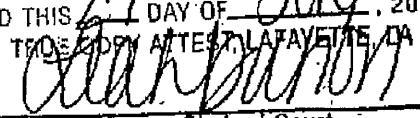
GUILLIOT & ST. PÉ, LLC



KENNETH D. ST. PÉ
La. Bar Roll No. 22638
428 Jefferson Street
Lafayette, Louisiana 70501
(337) 232-8177

PLEASE SERVE:

BIO-MEDICAL APPLICATIONS OF
LOUISIANA, LLC d/b/a FRESenius
MEDICAL CARE DIALYSIS SERVICES
WEST LAFAYETTE
Through their Agent for Service of Process:
CT Corporation System
5615 Corporate Blvd., Suite 400B
Baton Rouge, LA 70808

FILED THIS 27 DAY OF July, 2012
TRUE COPY ATTEST, LAFAYETTE, LA


Deputy Clerk of Court

JANET A. MOSS and
ALISHA MOUTON

15TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFAYETTE, LOUISIANA

BIO-MEDICAL APPLICATIONS OF
LOUISIANA, LLC d/b/a FRESINIUS
MEDICAL CARE DIALYSIS SERVICES
WEST LAFAYETTE

DOCKET NUMBER:

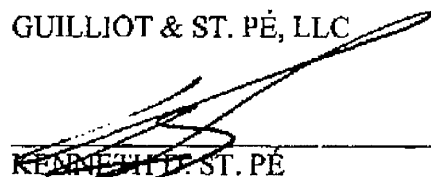
REQUEST FOR NOTICE

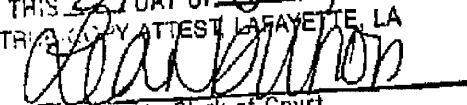
TO: Hon. Louis J. Perret
Clerk of Court
Parish of Lafayette
P.O. Box 2009
Lafayette, LA 70502

NOW INTO COURT, through undersigned counsel, come petitioners, JANET A. MOSS and ALISHA MOUTON, who request in accordance with La. R.S.-CCP Article 1572, that they be given written notice by mail ten (10) days in advance of the date fixed for trial, or of any hearings in the above captioned case, whether on Exceptions, Motions, Rules or the Merits. Petitioners also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon rendition thereof as provided by La. R.S.-CCP Articles 1913 and 1914, including notice of judgment in the event that this case be taken under advisement, or if the judgment is not signed at the conclusion of the trial. Please file this letter in the record of this matter along with these enclosed pleadings as formal notice of my request.

RESPECTFULLY SUBMITTED,

GUILLIOT & ST. PÉ, LLC


KENNETH H. ST. PÉ
La. Bar Roll No. 22638
428 Jefferson Street
Lafayette, Louisiana 70501
(337) 232-8177

FILED THIS 21 DAY OF JULY, 2012
TRUSTEE ATTEST LAFAYETTE, LA

Deputy Clerk of Court